

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
)	
v.)	CASE NO. 2:07-cr-284-WKW
)	
WILLIAM EARL HUNT)	
)	

ORDER

This case is before the Court on the defendant's Motion to Continue May 5, 2008 Trial (Doc. # 21). For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial," § 3161(h)(8)(A), and "delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant." § 3161(h)(1)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Mr. Hunt in a speedy trial. In support of his motion, the defense explains

that the Bureau of Prisons will not be able to provide the court with the final report on competency prior to trial. The government is not opposed to this motion.

Accordingly, it is ORDERED that the defendant's Motion to Continue May 5, 2008 Trial (Doc. # 21) is GRANTED. Trial in this matter is continued from May 5, 2008, to the undersigned's term of court beginning on August 18, 2008, at 10:00 a.m.

DONE this 22nd day of April, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE